

May 20, 2003 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

02SN0145

Fridley's Welding Service

Bermuda Magisterial District  
West line of Jefferson Davis Highway

- REQUEST:
- I. Rezoning from Community Business (C-3) to General Business (C-5) of 1.9 acres.
  - II. Amendment to zoning (Case 98SN0115) relative to the maximum height of stored equipment, paving, access and uses.
  - III. Conditional Use Planned Development to permit exceptions to Ordinance requirements relative to paving and screening of outside storage areas.

PROPOSED LAND USE:

Expansion of an existing contractor's office and storage yard is planned. However, with approval of this request other C-5 uses, except as restricted by Proffered Condition 9, would be permitted.

RECOMMENDATION

- I. Recommend approval of rezoning to C-5 of 1.9 acres for the following reasons:
  - A. The proposed zoning and land uses conform to the Jefferson Davis Corridor Plan which suggests the property is appropriate for general commercial use.
  - B. The proposed zoning and land uses are compatible with and representative of existing and anticipated non-residential development along this portion of the Jefferson Davis Highway Corridor.

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- II. Recommend approval of the amendment to zoning (Case 98SN0115) relative to access and uses. Recommend denial of the amendment relative to paving and height of stored equipment and that Proffered Conditions 7 and 8 not be accepted.
- A. The amendments relative to access will minimize traffic impact by limiting access to Jefferson Davis Highway for the entire parcel to a single entrance/exit.
  - B. The amendments relative to uses clarifies that the uses permitted include those permitted by right and with restrictions in the C-3 and I-1 Districts.
  - C. The exceptions to paving and storage height requirements are inconsistent with the goals and policies of the Jefferson Davis Corridor Plan which recommends improving the image and aesthetic quality of development along the corridor.
- III. Recommend denial of the Conditional Use Planned Development to permit exceptions to paving and screening of storage area requirements and that Proffered Conditions 2, 7, 8 and 10 not be accepted. This recommendation is made for the following reason:

The exceptions are inconsistent with the goals and policies of the Jefferson Davis Corridor Plan which recommends improving the image and aesthetic quality of development along the corridor.

- (NOTES:
- A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS.
  - B. IT SHOULD BE NOTED THAT THE REVISED PROFFERS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THE REVISED PROFFERS.)

#### PROFFERED CONDITIONS

- I. The following shall apply to that portion of the property being rezoned to C-5 (Tax IDs 791-677-3297, 3392 and 4695, 791-678-3418, 3513, 3608 and 3703):
  - 1. A minimum twenty-five (25) foot buffer shall be maintained along the western property boundary adjacent to the Taw Street right-of-way. This

buffer shall conform to the requirements of the Zoning Ordinance for twenty-five (25) foot buffers. (P)

2. A buffer shall be provided to screen outside storage areas from properties to the east and west. This buffer shall be accomplished by building design or by the use of durable architectural walls or fences constructed of comparable materials to the principal building and using a design compatible to the principal building on the property. The treatment of this buffer shall be approved at the time of site plan review and approval. (P)
3. Prior to any site plan approval, sixty (60) feet of right-of-way on the west side of Jefferson Davis Highway (U.S. Route 1 & 301), as measured from the centerline of that part of the road immediately adjacent to the request property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. The public wastewater system shall be used when a public sanitary sewer line is in place and operational on the western side of Jefferson Davis highway (U.S. Route 1 & 301) and is within 200 feet of the request site. (U)

II. The following shall apply to the existing C-5 property (Tax IDs 791-677-4189, 4284 and 4379) and the proposed C-5 property (Tax IDs 791-677-3297, 3392 and 4695, 791-678-3418, 3513, 3608 and 3703):

5. Prior to any site plan approval, thirty (30) feet of right-of-way on the east side of Taw Street, as measured from the centerline of that part of the road immediately adjacent to the request property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. Direct access from the request property shall be limited to one (1) entrance/exit on Jefferson Davis Highway (Route 1 & 301). The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded to ensure shared use of this access with the adjacent property to the south. (T)

(Note: This condition supersedes Proffered Condition 2 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.)

7. All outside storage areas shall be surfaced with at least six (6) inches of No. 21 or No. 21A stone. (P)

(Note: This condition supersedes Proffered Condition 5 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.)

8. Any equipment stored on site shall not exceed a stored height of twelve (12) feet. (P)

(Note: This condition supersedes Proffered Condition 6 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.)

9. Uses permitted shall be restricted to the following:

- a) Any permitted or restricted uses in the C-3 District.
- b) Any permitted or restricted uses in the I-1 District.
- c) Boat sales, service, repair and rental.
- d) Building material sales yard, not including concrete mixing.
- e) Commercial automobile parking.
- f) Contractor's shops and storage yards.
- g) Farm implements and machinery sales, service, rental and repair establishments
- h) Motor vehicle sales, service, repair and rental.
- i) Satellite dishes.
- j) Utility trailer and truck rentals. (P)

(Note: This condition supersedes Proffered Condition 7 of Case 98SN0115 for Tax IDs 791-677-4189, 4284 and 4379.

10. The view of any outside storage area shall be minimized by the following:

- a. A ten (10) to twelve (12) foot high brick and metal siding, screening wall shall be installed generally parallel to Jefferson Davis Highway.
- b. A six (6) foot high wood privacy fence shall be installed along the western property line on the eastern edge of the twenty-five (25) foot buffer, as required by Proffered Condition 1.
- c. An eight (8) foot high wood privacy fence shall be installed generally parallel to the northern property line and shall connect the wall and fence along the eastern and western property lines. Landscaping shall be installed along the northern property boundary of this fence to minimize the view of the fence from adjacent properties and rights of way. The exact species, spacing and size of landscaping shall be approved at the time of site plan review. (P)

## GENERAL INFORMATION

### Location:

Fronts the west line of Jefferson Davis Highway, across from Gayland Avenue. Tax ID 791-677-3297, 3392, 4189, 4284, 4379 and 4695 and 791-678-3418, 3513, 3608 and 3703 (Sheet 23).

### Existing Zoning:

C-3 and C-5

### Size:

3.4 acres

### Existing Land Use:

Commercial and vacant

### Adjacent Zoning and Land Use:

North - C-3; Vacant

South - C-3; Commercial

East - R-7, C-3 and C-5; Manufactured home park

West - R-7; Single family residential or vacant

## UTILITIES

### Public Water System:

There is an existing eight (8) inch water line extending along Jefferson Davis Highway, adjacent to the request site. Use of the public water system is required by County Code.

### Public Wastewater System:

There is an existing eight (8) inch wastewater collector line along Gayland Avenue, approximately 675 feet northeast of the request site and an existing eight (8) inch wastewater collector line along Noel Street, approximately 780 feet southeast of the request site. In addition, there is an existing ten (10) inch wastewater trunk line extending across the request site that is owned and maintained by the Federal Government, to provide wastewater service to the Defense Supply Center of Richmond (DSCR). While the existing public wastewater system is not available to serve this site, the Utilities Department has approached DSCR concerning the County acquiring portions of this wastewater system to assist in providing wastewater service to Rayon Park. Should this wastewater line be accepted into the public

system, public wastewater service would be available to serve the request site. While the Utilities Department recommends use of the public wastewater system, and it is the intent of the applicant to utilize a private septic system, the applicant has proffered that at such time as the existing wastewater line crossing the request property becomes part of the Chesterfield County public wastewater system, the owner/applicant will connect all structures to the public wastewater system. (Proffered Condition 4)

## ENVIRONMENTAL

### Drainage and Erosion:

The property drains north and then via tributaries to the James River. There are no on- or offsite drainage or erosion problems. However, the northern portion of the property is subject to a 100-year backwater from Jefferson Davis Highway. Therefore, uses in this area will be limited.

## PUBLIC FACILITIES

### Fire Service:

The Bensley Fire/Rescue Station, Company Number 3, currently provides fire protection and emergency medical service (EMS). This request will have minimal impact on fire and EMS service.

### Transportation:

The applicant is requesting rezoning from Community Business (C-3) to General Business (C-5) on 1.9 acres, and requesting amendments to the current General Business (C-5) zoning on the adjacent 1.5 acres. The request will not limit development on the 1.9 acres or the 1.5 acres to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development of all the property could generate approximately 3,440 average daily trips. These vehicles will be distributed along Jefferson Davis Highway (Route 1/301), which had a 2001 traffic count of 27,975 vehicles per day.

The Thoroughfare Plan identifies Route 1/301 as a major arterial with a recommended right of way width of 120 to 200 feet. The applicant has proffered to dedicate sixty (60) feet of right of way, measured from the centerline of Route 1/301, in accordance with that Plan (Proffered Condition 3). The applicant has also proffered to dedicate thirty (30) feet of right of way along Taw Street in accordance with the Zoning Ordinance. (Proffered Condition 5)

Development must adhere to the Zoning Ordinance relative to access and internal circulation (Article 5). Access to major arterials, such as Route 1/301, should be controlled. Proffered Condition 2 of Case 98SN0115 limited the existing C-5 zoned property to one (1) access. Proffered Condition 6 would modify the original proffer to allow only one (1) access to Jefferson Davis Highway from the entire property which is the subject of this request. The

applicant has proffered that direct access from the property to Route 1/301 will be limited to one (1) entrance/exit (Proffered Condition 6). The adjacent property to the south is located in the northwest corner of the Congress Road and Route 1/301 intersection, and has been developed for a furniture store. The furniture store has an access onto both Congress Road and Route 1/301. In conjunction with some development that has occurred on the subject property, an access was constructed onto Route 1/301, approximately 150 feet north of the furniture store's access. Proffered Condition 6, requires that an access easement be recorded across the subject property to the furniture store parcel. If the furniture store parcel were redeveloped, this access easement would allow for relocating the furniture store's Route 1/301 access through the subject property.

The property is located within the Jefferson Davis Highway Enterprise Zone. Based on the Board of Supervisors' Policy regarding development within the Enterprise Zone, road improvements will not be required by the County. Road improvements may be required by the Virginia Department of Transportation.

At time of site plan review, specific recommendations will be provided regarding access and internal circulation.

### LAND USE

#### Comprehensive Plan:

Lies within the boundaries of the Jefferson Davis Corridor Plan which suggests the property is appropriate for general commercial use.

#### Area Development Trends:

Properties to the north and south are zoned and developed for commercial uses or remain vacant. Properties to the west have been zoned and developed for single family residential use or remain vacant. Properties to the east, east of Jefferson Davis Highway, are zoned for residential and commercial uses and have developed as a manufactured home park. It is anticipated that area properties fronting Jefferson Davis Highway which are vacant will be developed for commercial uses while property to the west is expected to continue to develop for residential uses.

#### Zoning History:

On May 27, 1998, the Board Of Supervisors approved rezoning from Community Business (C-3) to General Business (C-5) on a portion of the request property (Case 98SN0115). The Planning Commission had recommended denial of the request. With the approval of Case 98SN0115, conditions were accepted and imposed to minimize the impact of the requested uses on adjacent residential development and existing and future development along the Jefferson Davis Highway Corridor.

### Current Zoning Proposal:

The applicant is proposing to rezone 1.9 additional acres to C-5 to accommodate additional area for the business. Secondly, the applicant is seeking amendments to Case 98SN0115 relative to access (Proffered Condition 5 Case 98SN0115) and height of stored material. (Proffered Condition 6, Case 98SN0115)

Thirdly, the applicant is requesting a Conditional Use Planned Development to obtain exceptions of Zoning Ordinance requirements relative to paving and screening of outside storage areas.

### Uses:

Proffered conditions restricted the uses permitted on the existing zoned C-5 property. The proffers failed to clarify that the uses permitted would include those uses permitted by right or with restrictions in the C-3 and I-1 Districts (Proffered Condition 7, Case 98SN0115). This request proposes to amend the original zoning to clarify the uses permitted and to allow the same uses on the proposed C-5 property (Proffered Condition 9). Staff supports the amendments because the uses comply with the Plan which suggests that general commercial uses are appropriate.

### Development Standards:

Currently, the property lies within the Jefferson Davis Highway Northern Area Post Development Area. The purpose of Post Development Area standards is to provide flexible design criteria in areas that have already experienced development and ensure continuity of development. Redevelopment of this site or new construction must conform to the requirements of the Zoning Ordinance, which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas except as may be amended by this case.

### Paving:

It should be noted, the applicant is requesting an exception to Proffered Condition 5 of Case 98SN0115 that required outside storage areas to be paved and a Conditional Use Planned Development relative to paving requirements. In lieu of paving, the applicant has agreed to surface outside storage areas with a minimum of six (6) inches of Number 21 or Number 21A stone (Proffered Condition 7). The existing C-5 zoning and Zoning Ordinance require that all outside storage areas be paved with concrete, bituminous concrete or other similar material. The Zoning Ordinance would allow areas for the storage of track mounted equipment to be surfaced with six (6) inches of Number 21 or 21A stone. Staff does not support this amendment and exception because the requirements were negotiated through the original approval and addressed concerns of the Plan relative to improving the image and aesthetic quality of Jefferson Davis Highway. Should the Commission or Board wish to allow some flexibility, a more appropriate action would be to delete Proffered Condition 5 of



Case 98SN0115 thereby requiring compliance with the Ordinance which would allow gravel for tract mounted equipment storage, but require paving for other outside storage areas.

#### Height and Screening of Outside Storage:

With the approval of Case 98SN0115, a condition was proffered which limited the stored height of equipment on the existing C-5 property to a maximum of ten (10) feet (Proffered Condition 6, Case 98SN0115). The applicant is requesting that the height limit be increased to twelve (12) feet and that the same limit be applied to the property requested to be rezoned to C-5 (Proffered Condition 8). The original condition was negotiated while the applicant was meeting with area property owners and the District Commissioner. The purpose of the height limitation was to insure that equipment not exceed the height of the wall which was being constructed on the property. The wall varies in height between ten (10) and twelve (12) feet. If this condition is removed, there is the possibility that the equipment would be visible off-site.

Further, the Zoning Ordinance requires that outside storage areas be screened from view of adjacent properties where such uses are not permitted and from public rights of way. Since outside storage is a non-conforming use on that part of the property currently zoned C-5, the outside storage is not required to meet Ordinance standards. Therefore, Proffered Condition 2 has been offered to screen outside storage areas from properties to the east and west for that part of the property which is non-conforming. A Conditional Use Planned Development has been requested to allow an exception to screening of outside storage areas on that part of the property proposed for rezoning. Staff cannot support the exceptions to screening of outside storage areas because such exceptions violate the goals of the Jefferson Davis Corridor Plan which recommends improving the image and aesthetics along the Corridor. Therefore, it is recommended that Proffered Conditions 2, 8 and 10 not be accepted.

#### Buffers:

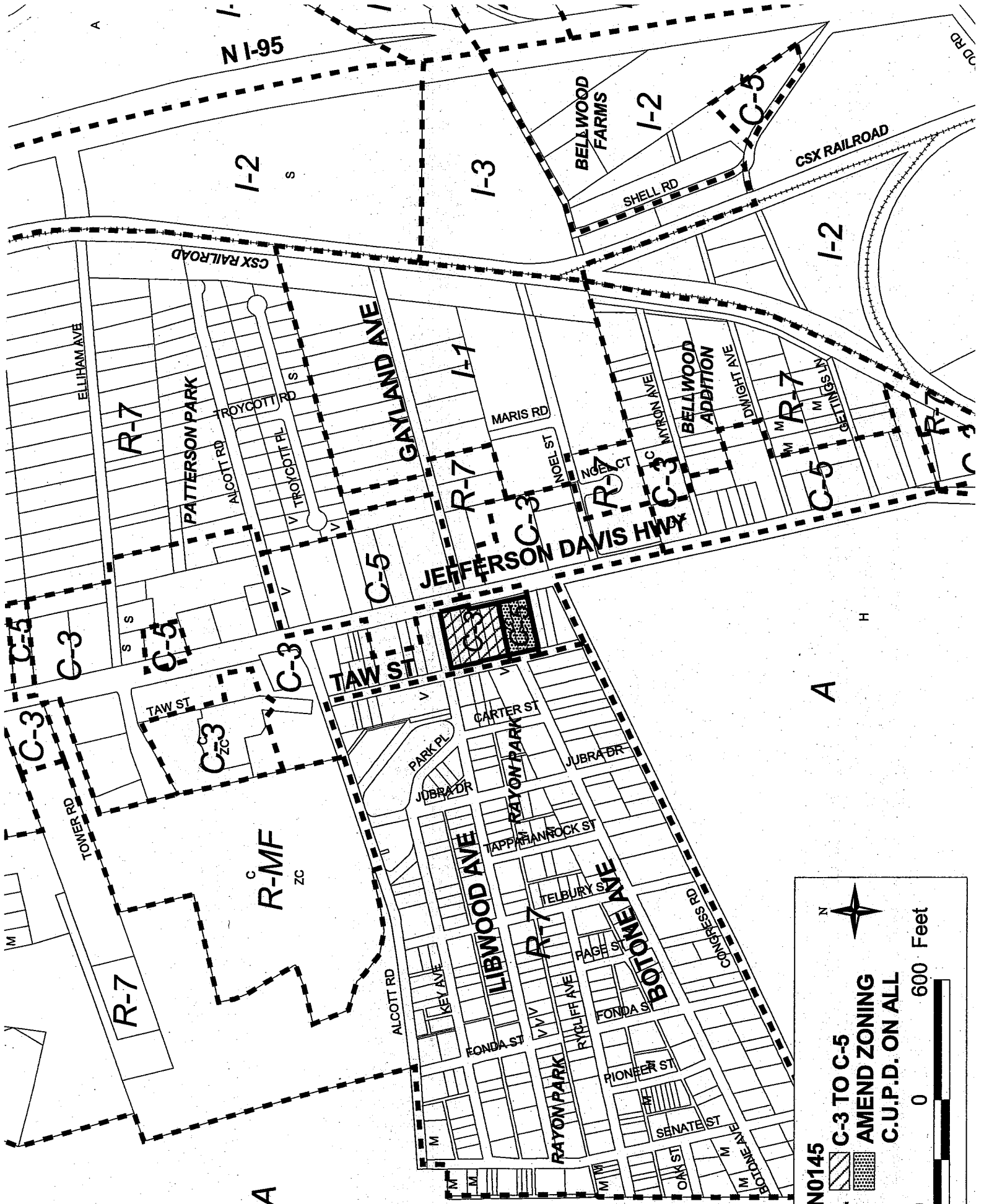
Adjacent property to the west is zoned Residential (R-7) and is occupied by single family residences or is vacant. The applicant has agreed to provide a twenty-five (25) foot buffer along the western property boundary of the site proposed to be rezoned to C-5 adjacent to the Taw Street right of way and anticipated residential development to the west. (Proffered Condition 1)

#### CONCLUSIONS

The proposed C-5 zoning and land uses conform with the Jefferson Davis Corridor Plan which suggests the property is appropriate for general commercial use. In addition, the proposed C-5 zoning and land uses are compatible with, and representative of, existing and anticipated development along this portion of the Jefferson Davis Highway Corridor. Further, amendments relative to access and uses are appropriate for the reasons discussed herein.

Amendments relative to paving, height of stored equipment and screening of outside storage areas do not conform to the goals of the Jefferson Davis Corridor Plan. Further, limitations on storage height were negotiated at the time of the original C-5 zoning.

Given these considerations, the rezoning to C-5 and amendments to Case 98SN0115 relative to uses and access is recommended. Denial is recommended for the exceptions to height and screening of outside storage and paving requirements.



02SN0145

Rez.  C-3 TO C-5  
 AMEND ZONING  
 C.U.P.D. ON ALL

